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Proposed programme budget for the biennium 2004-2005*

Part III
International justice and law

Section 7
International Court of Justice

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* The approved programme budget will subsequently be issued in final form as *Official Records of the General Assembly, Fifty-eight' Session, Supplement No. 6* (A/58/6/Rev.1).

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Abbreviations

ASG	Assistant Secretary-General
GS	General Service
OL	Other level
PL	Principal level

Part III
International justice and law

Section 7
International Court of Justice

Overview

7.1 Regulation 15.1 of the Financial Regulations and Rules of the United Nations states that the programme budget proposals of the International Court of Justice should be prepared by the Court, in consultation with the Secretary-General, and that those proposals should be submitted to the General Assembly by the Secretary-General, together with such observations as he may deem desirable. The proposals of the Court are hereby submitted. The Court's proposals for the biennium 2004-2005 are fully supported by the Secretary-General.

7.2 The International Court of Justice, composed of 15 judges elected by the General Assembly and the Security Council, is one of six principal organs of the United Nations and is the principal judicial organ of the Organization. It functions in accordance with its Statute, which is an integral part of the Charter of the United Nations. The Court decides, in accordance with international law, disputes that are submitted to it by States, and may give advisory opinions on legal questions at the request of bodies authorized to make such a request by the Charter or in accordance with its provisions. A total of 191 States are parties to the Statute of the Court, and 63 of them have recognized the Court's jurisdiction as compulsory in accordance with Article 36, paragraph 2, of its Statute. Furthermore, some 300 bilateral and multilateral treaties grant the Court jurisdiction in the resolution of disputes arising from their application or interpretation. The Court submits annual reports to the General Assembly, the most recent of which is contained in document A/57/4.

7.3 The activities of neither the Court nor the Registry are covered in the medium-term plan of the United Nations. The Court must at all times be able to exercise the functions entrusted to it if the terms and intent of the Charter are to be implemented. The Court notes that, although it is inherently impossible to forecast its main workload indicators (e.g., the number of cases pending before the Court and the number of new proceedings instituted, including incidental proceedings in pending cases), an effort has been made to assess its requirements for the biennium 2004-2005 against the background of the Court's workload for previous and current bienniums.

7.4 When the present proposal for the biennium 2004-2005 was submitted, the Court was seized of 24 contentious cases from all regions of the world involving a wide variety of subject matter. The submission of preliminary objections, in many of the cases, will lead to two separate sets of proceedings, each involving the submission of written pleadings and the holding of oral hearings leading to separate judgments, thereby further affecting the Court's caseload. The number of pleadings could also increase as a result of the raising of counterclaims by a respondent or the intervention of a State in a pending case. In addition to addressing the cases on its docket, the Court must be prepared to examine, with priority over other matters, all requests it receives for the indication of provisional measures.

7.5 It is noted that the General Assembly, in its resolution 56/253 of 24 December 2001, requested the Secretary-General to invite the International Court of Justice to review its management functions with a view to introducing a system of results-based budgeting. After reviewing and studying Assembly resolution 55/231 of 23 December 2000 on results-based budgeting, the Court concluded that this budgetary methodology was not appropriate for its activity.

7.6 The Court adopted the position that the use of results-based budgeting as a management tool to enhance responsibility and accountability in the implementation of programmes would not be appropriate for the International Court of Justice. The Court stresses that its statutory function is to decide cases submitted by States and to respond to requests for advisory opinions submitted to it by duly authorized United Nations organs and specialized agencies. Consequently, at all times, the Court needs to remain in a position to discharge the duties conferred upon the Court by the Charter. It is the Court's belief that, as a result of its statutory obligation, its budgetary situation is in many respects unique. The Court also highlights that, unlike other United Nations bodies that are covered in the medium-term plan, it has no programme that might be measured by reference to performance indicators. The Court further notes that it would not be appropriate to draw a parallel vis-à-vis the International Tribunals established by the Security Council. In the Tribunals, new proceedings are instituted by an organ of the Tribunal itself (the Office of the Prosecutor), whereas the International Court of Justice has no control over the number and timing of new proceedings, in particular requests for the indication of provisional measures that may be instituted.

7.7 The overall level of resources requested for the International Court of Justice for the biennium 2004-2005 amounts to $27,201,500 at current 2002-2003 rates, reflecting growth of $885,600 (3.3 per cent). The growth reflects the effect of the delayed impact of the new posts approved for the biennium 2002-2003, namely 2 P-4 and 14 General Service (Other level) posts (including 4 converted from temporary assistance for meetings and 3 converted from general temporary assistance), an increase due to the proposed establishment of new posts (1 P-4 and 2 General Service (Other level)) in the biennium 2004-2005, partially offset by a reduction in non-post objects of expenditure. It is also noted that the General Assembly, acting on the recommendation of the report of the Joint Inspection Unit on the review of management and administration in the Registry of the International Court of Justice (see A/55/834), approved resources in the biennium 2002-2003 for five judicial clerk posts (at the P-2 level) under general temporary assistance. Owing to the permanent nature of the functions of the judicial clerks, it is proposed that the related posts be converted to established posts in the biennium 2004-2005. No additional requirements would result from this conversion.

7.8 The percentage distribution of resources under this section is as shown in table 7.1.

Table 7.1 **Percentage distribution of resources by component**

Component	*Regular budget (percentage)*
A. Members of the Court	29.9
B. Registry	55.4
C. Programme support	14.7
Total	**100.0**

7.9 The distribution of resources is summarized in table 7.2 and the figure below, and the post requirements are set out in table 7.3.

Table 7.2 **Resource requirements by component**

(Thousands of United States dollars)

Regular budget

Component	*2000-2001 expenditure*	*2002-2003 appropriation*	*Resource growth*		*Total before recosting*	*Recosting*	*2003-2004 estimate*
			Amount	*Percentage*			
Members of the Court	8 022.5	8 315.3	(159.5)	(1.9)	8 155.8	32.0	8 187.8
Registry	10 208.9	14 331.5	712.1	4.9	15 043.6	1 251.9	16 295.5
Programme support	3 955.0	3 669.1	333.0	9.0	4 002.1	183.2	4 185.3
Total	**22 186.4**	**26 315.9**	**885.6**	**3.3**	**27 201.5**	**1 467.1**	**28 668.6**

Regular budget resource requirements by component

(Thousands of United States dollars)

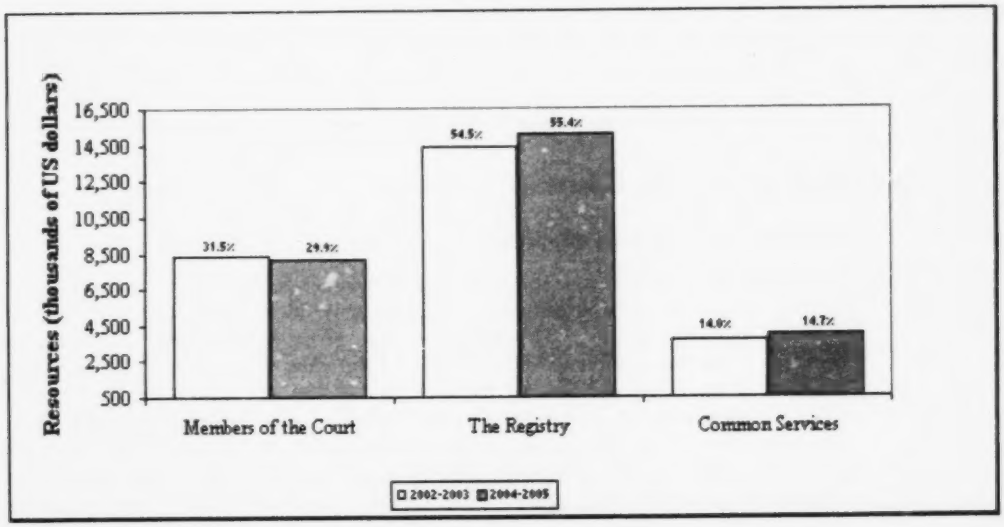


Table 7.3 **Post requirements**

Category	Established regular budget posts		Temporary posts: Regular budget		Temporary posts: Extrabudgetary		Total	
	2002-2003	2004-2005	2002-2003	2004-2005	2002-2003	2004-2005	2002-2003	2004-2005
Professional and above								
ASG	1	1	-	-	-	-	1	1
D-2	1	1	-	-	-	-	1	1
D-1	1	1	-	-	-	-	1	1
P-5	3	3	-	-	-	-	3	3
P-4/3	17	18	12	12	-	-	29	30
P-2/1	5	10	-	-	-	-	5	10
Subtotal	**28**	**34**	**12**	**12**	**-**	**-**	**40**	**46**
General Service								
Principal level	6	6	-	-	-	-	6	6
Other level	43	47	2	-	-	-	45	47
Subtotal	**49**	**53**	**2**	**-**	**-**	**-**	**51**	**53**
Total	**77**	**87**	**14**	**12**	**-**	**-**	**91**	**99**

A. Members of the Court

Resource requirements (before recosting): $8,155,800

7.10 The conditions of service and compensation of members of the Court are subject to review by the General Assembly every three years. The Assembly, in its resolution 56/285 of 27 June 2002, approved the emoluments ($160,000 per year), pensions and other conditions of service of members of the International Court of Justice (including allowances of $15,000 per year for the President of the Court and $94 per day — up to $9,400 per year — for the Vice-President when acting as President). A reduction in resource requirements is foreseen largely as a result of the discontinuation of one-time resources for the biennium 2002-2003 that had been approved for ad hoc judges. The resources proposed in the estimates contained herein are, however, expected to be supplemented, as the need arises, by commitments entered into under the provisions of the resolution on unforeseen and extraordinary expenses to be adopted by the Assembly at its fifty-eighth session.

Table 7.4 **Resource requirements**

Category	Resources (thousands of United States dollars): 2002-2003	Resources (thousands of United States dollars): 2004-2005 estimate	Posts: 2002-2003	Posts: 2004-2005
Non-post	8 315.3	8 155.8	0	0
Total	**8 315.3**	**8 155.8**	**0**	**0**

B. Registry

Resource requirements (before recosting): $15,043,600

7.11 Since the Court is both a judicial body and an international institution, its Registry must provide judicial support and also act as an international secretariat. The Registry provides legal, diplomatic, linguistic and other technical support for the Court. It is responsible for administration, conference services, computerization, archives and distribution services and documentary and library services, and is also the regular channel for communication to and from the Court. The Registrar and Deputy Registrar are elected for a term of seven years and may be re-elected. The staff of the Registry are appointed by the Court in accordance with Article 21, paragraph 2, of its Statute.

Table 7.5 **Resource requirements**

	Resources (thousands of United States dollars)		*Posts*	
Category	*2002-2003*	*2004-2005 estimate*	*2002-2003*	*2004-2005*
Post	12 108.7	13 447.8	91	99
Non-post	2 222.8	1 595.8	0	0
Total	**14 331.5**	**15 043.6**	**91**	**99**

7.12 Resources in the Registry will be augmented by three new posts (1 P-4 and 2 General Service) to strengthen the computerization operations and to improve security at the Peace Palace. Furthermore, it is proposed that the resources for the five judicial clerks (P-2) currently reflected under general temporary assistance be converted to established posts. The new post resources are sought so as to enable the Registry to increase its capacity to support the increased workload of the Court. The reduction in non-post resources largely reflects the reduction in temporary assistance requirements following the proposed conversion of law clerk positions to established posts.

C. Programme support

Resource requirements (before recosting): $4,002,100

7.13 The provisions under programme support relate to the common service requirements of the International Court of Justice and its Registry, including, in particular, the contribution of the United Nations to the Carnegie Foundation for use of the Peace Palace. It also covers the costs of the publications of the Court, the acquisition of supplies and equipment and general operating expenses.

Table 7.6 **Resource requirements**

	Resources (thousands of United States dollars)		*Posts*	
Category	*2002-2003*	*2004-2005 estimate*	*2002-2003*	*2004-2005*
Non-post	3 669.1	4 002.1	0	0
Total	**3 669.1**	**4 002.1**	**0**	**0**

7.14 Resources under programme support will be augmented while being realigned to strengthen the provisions for general operating expenses and for furniture and equipment, which will be partially offset by reduced provisions for contractual services and supplies and materials. The main effect of this will be to enable the International Court of Justice to fully meet its obligations in respect of the facilities provided on a rental basis in the Peace Palace at The Hague. It will also provide for the digital recording of court proceedings.

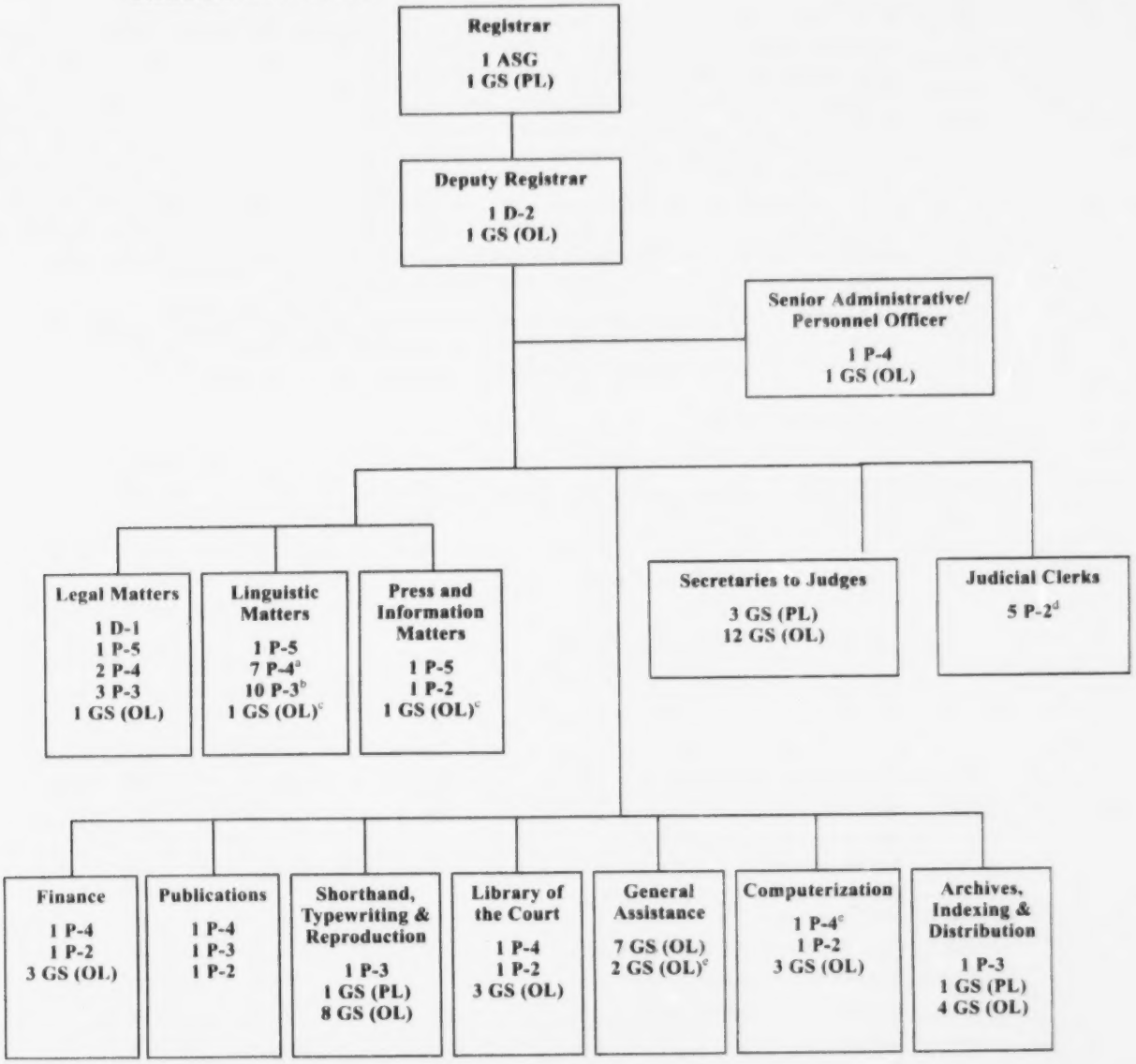
Table 7.7 **Summary of follow-up action taken to implement relevant recommendations of the Advisory Committee on Administrative and Budgetary Questions**

Brief description of the recommendation	*Action taken to implement the recommendation*
Advisory Committee on Administrative and Budgetary Questions (A/56/7)	
The Advisory Committee recommends that the Court have recourse to appropriate outside expertise to study how to modernize its proceedings and work-flow processes, taking into account the practices of other judicial bodies. The Committee also recommends that the Court explore the potential for recourse to internships as well as the extent to which new technology, such as remote translation and digital recording of Court proceedings, could be used (para. III.10).	1. The Court is constantly reviewing ways of modernizing its proceedings. Recently it adopted new working methods to expedite its treatment of cases, of which States and the public were immediately informed by a press communiqué dated 4 April 2002. Likewise, at the technical level, the Registry is continuing its efforts to complete the computerization of its various departments and their means of external communication (electronic mail, Internet, etc.). New research software, most notably ZyImage, has been installed. This has substantially strengthened the operating efficiency of services such as the Legal Department, the Linguistic Department and the Archives. However, the across-the-board adjustments applied to the proposals for the biennium 2002-2003 regarding, in particular, consultancy and data processing are currently restricting further recourse to outside expertise in this regard. Moreover, those reductions also prevented the Registry from acquiring new information technology equipment. 2. The Court does maintain regular contacts with other judicial bodies, such as the International Tribunal for the Former Yugoslavia, the International Tribunal for the Law of the Sea, the Court of Justice of the European Communities and the European Court of Human Rights. However, experience has shown that their practices are not generally of great assistance to the Court in its efforts at modernization. In fact, the respective functions of these bodies differ from those of the Court; as a consequence, their organization and procedures also differ. Some of them have a greater number of judges and work in the

Brief description of the recommendation	*Action taken to implement the recommendation*
	Chambers; others have greater budgetary resources. The problems they face and the solutions they develop are most of the time sui generis and not transposable to this Court. Moreover, while the Court is from time to time able to benefit from the technical assistance of the International Tribunal for the Former Yugoslavia, this is not true of the other courts, which are outside of the United Nations system. 3. The Court has an internship programme. Since 1999 the Court has been organizing internships, particularly during the summer, within the Registry's various departments. 4. The Court does not feel that remote translation can be of assistance to the Registry. This poses serious problems, which can be classified under the following three headings: (a) speed/availability; (b) quality; and (c) confidentiality. (a) The Court, despite its best efforts to plan ahead, is necessarily subject to the demands of its clients, the States. It normally receives little or no warning that a new case is going to be filed. The documents involved — which are often of a highly technical nature — have to be translated as rapidly as possible, to a very high standard of fluency and accuracy, with translators having constant and immediate access to all necessary reference materials, including confidential Court documents. By the same token, a case may be withdrawn without warning, whereupon the Court must rapidly be in a position to take up another one from its docket, again necessitating the urgent translation of complex, and often voluminous, documents. (b) Translation of the Court's documents requires a very high degree of skill and experience in legal translation, as well as familiarity with the Court's specific terminology. As and when the Court does have a need for outside translation, notably when a backlog in the translation of pleadings and their annexes has to be made up, it prefers to call upon its roster of translators working from home, who have experience working for the Court, are familiar with its terminology and

Brief description of the recommendation	*Action taken to implement the recommendation*
	style and have shown that they can be trusted with confidential documents (see point (c) below). (c) All case pleadings remain confidential until the opening of the hearings. The same applies to Judges' notes and even more, of course, to the various drafts of the Judgment itself. Any breach of confidentiality could have extremely serious repercussions on the Court's image and the trust that States place in it. The Court accordingly does not consider it desirable that such documents be distributed for translation, without Registry control and supervision, among the various United Nations duty stations — even assuming that the necessary spare capacity and expertise is available there. For all these reasons, the Court takes the view that remote translation, notwithstanding its potential for cost savings in the appropriate context, is not a viable solution in the light of the Court's specific translation requirements. 5. Finally, with technical input from International Tribunal for the Former Yugoslavia, in June 2001 the Court replaced the audio system in the Great Hall of Justice. Owing to the limited funds available, it was not possible at that time to install a system for the digital recording of Court proceedings. It is intended to install such a system in the biennium 2004-2005.
The Advisory Committee notes that because the submission of the Court is not part of the medium-term plan, results-based budgeting has not been applied. Nevertheless, in future, the Court's estimates should be justified more clearly in terms of workload (para. III.17).	As the Committee notes, the Court is unable to adopt results-based budgeting when submitting its budget proposals. However, in view of the recommendation in regard to the justification of the Court's estimates, statistics of the work performed are now kept regularly. Inasmuch as they present a clear picture of the activities of both the Court and the Registry, these indicators will in future serve as support for the Court's budgetary proposals.

International Court of Justice
Organizational structure and post distribution for the biennium 2004-2005



[a] Includes 3 temporary posts.
[b] Includes 9 temporary posts.
[c] Converted from temporary posts
[d] Converted from general temporary assistance.
[e] New posts.

Annex

Workload indicators, 2004-2005

A.7.1 In the case of the International Court of Justice, it is inherently impossible to forecast the main workload indicators (the number of cases pending before the Court and the number of new proceedings instituted, including incidental proceedings in pending cases). The International Court of Justice has no control over the number and timing of new proceedings. New cases are brought before the Court by States, and advisory opinions are requested of the Court by organs of the United Nations and specialized agencies, all of which may do so at any time, without prior notice to the Court. Where a case is pending before the Court, it is not possible to foresee whether or when incidental proceedings (requests for provisional measures, preliminary objections, counterclaims or requests for intervention) may be instituted. Historically, there have been significant variations in the number of new proceedings commenced in a given year, although in recent times there has been an upward trend in the Court's caseload.

A.7.2 In terms of workload, the institution of new proceedings (including incidental proceedings) in a given year usually requires the deployment of resources over several years. The workload in 2004-2005 will thus be affected by proceedings instituted in previous years.

Workload indicators

Description	*2000-2001*	*2002-2003*[a]	*2004-2005*[a]	*Unit*
Department of Legal Matters				
Cases pending	24	24	24[b]	Number
New proceedings instituted (including incidental proceedings)	11	Unforeseeable	Unforeseeable[c]	Number
Judgments and substantive orders (in particular on incidental proceedings)	5	9	Unforeseeable[c]	Number
Cases finally disposed of	5	5	Unforeseeable[c]	Number
Procedural orders	34	32	48	Number
Case-related letters received	375	449[d]	500[d]	Number
Case-related letters prepared	1 372	1 386[d]	1 600[d]	Number
Case-related distributions prepared	431	526[d]	600[d]	Number
Provisional verbatim records of Court meetings prepared	124	160	200	Number
Provisional verbatim records of Court meetings prepared	568	588	700	Pages
Rules Committee distributions prepared	52	26	40	Number
Research memorandums and papers	60	178	200	Number
Department of Linguistic Matters				
Translation				
Documents directly related to the Court's judicial activities	9 485 000	11 433 264	11 200 000	Words
Documents not directly related to the Court's judicial activities	1 085 000	795 402	1 200 000	Words

Description	*2000-2001*	*2002-2003*[a]	*2004-2005*[a]	*Unit*
Ancillary translation activities (editing, documentation, terminology, etc.)	500 000	503 122	500 000	Words
Interpretation				
Public sittings of the Court	49	81[c]	80[c]	Number
Private meetings of the Court	134	125	130[c]	Number
Committee meetings	37	41	45	Number
Typing Pool				
(Includes transcriptions, corrections, text processing, shorthand and proofreading)				
Written pleadings[f]	16 600	33 224	35 000	Pages
Verbatim records[g]	8 404	13 070	15 000	Pages
Distributions related to cases[f]	1 700	2 231	4 000	Pages
Letters related to cases, finance, etc.[f]	1 500	2 163	2 500	Pages
Judgments[f]	256	780	900	Pages
Notes[g]	1 508	2 104	2 100	Pages
Amendments[g]	128	1 007	1 200	Pages
Judges' opinions[f]	738	1 411	1 700	Pages
Orders[f]	142	146	150	Pages
Speeches of the President[g]	196	354	250	Pages
General distribution, office circulars, etc.[f]	2 136	2 165	2 200	Pages
Provisional verbatim records[g]	1 122	805	800	Pages
Report of the Court[f]	467	697	220	Pages
Total	**34 900**	**59 147**	**66 020**	**Pages**
Archives, indexing and distribution				
Documents distributed	1 400	1 480	1 500	Number
Pieces of outgoing mail (including case-related mail)	13 300	12 900	13 600	Number
Pieces of incoming mail	5 300	15 400	15 600	Number
Finance Division				
Staffing table (established and biennial posts)	75	91	99	Posts
Ad hoc Judges	32[h]	36[h, i]	Unforseeable[j]	Individuals
Invoices processed	1 170	1 530	1 600	Number
Purchase orders	273	125	140	Number
Contracts (personnel)	358	402	400	Number
Travel claims processed	216	158	170	Number
Computerization Division				
Workstations/personal computers installed and serviced	234	268	138	Number
Servers installed and serviced	12	13	5	Number
Network systems	6	6	2	Number

Description	*2000-2001*	*2002-2003*[a]	*2004-2005*[a]	*Unit*
Web browsers	31	73	50	Number
Web sites (including mirrors)	10	10	5	Number
Library and Documents Department				
Collection books maintained	93 900	98 998	105 200	Number
Information requests	14 100	13 350	14 000	Number
Requests for loans	3 260	3 950	4 000	Number
Department of Information				
Press releases issued	77	80	90	Number
Telephone queries and document requests	29 040	32 650	34 000	Number
Queries/document requests by e-mail	14 520	17 980	18 000	Number
Visiting groups (universities, law societies, diplomats, etc.)	158	201	220	Number
Visitors (universities, law societies, diplomats, etc.)	5 160	5 286	5 200	Number
Reproduction				
Reproduction requests	5 421 381	6 150 359	6 200 000	Pages
Publications Division				
Applications	470	2 964[k, l]	Unforeseeable	Pages
Decisions of the Court (judgments, orders)	2 360	3 030	2 500[k]	Pages
Indexes	360	304	200	Pages
Bound volumes (collation and printing)	4 280	5 021	3 000	Pages
Volumes of the Pleadings Series	10 000	8 000	8 000	Pages
Annuaires	750	836	850	Pages
Yearbooks	730	796	800	Pages
Bibliographies	220	320	360	Pages
List of Members of the Court	16	32	32	Pages
Rules of the Court	76	80	80	Pages

[a] Estimated.
[b] See para. A.7.1 above. It is assumed that the number of cases will be at least the same as in the biennium 2002-2003 (i.e., 24). However, it is stressed that it is impossible to foresee what other cases might be filed in the near future.
[c] See para. A.7.1 above. It is difficult to make a credible forecast.
[d] These figures could increase considerably as a result of the institution of new proceedings: See para. A.7.1 above.
[e] See para. A.7.1 above.
[f] Figures correspond to pages of single-spaced text.
[g] Figures correspond to pages of double-spaced text.
[h] Some ad hoc Judges have been designated in that capacity in several cases.
[i] Given the number of cases, the number of ad hoc Judges could theoretically rise to 40.
[j] It is not possible to forecast the number of ad hoc Judges. The Statute of the Court gives the parties the right to nominate ad hoc Judges.
[k] Including annexes.
[l] See para. A.7.1 above.